

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|--------------|
| UNITED STATES OF AMERICA, |) | |
| |) | 4:04CR3081-2 |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| BRIAN LAMAR PARKER, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on the motion of the defendant to continue the trial of this matter (Filing No. 67, part 2). The motion does not comply with NECrimR 12.1 which provides, in part:

Unless excused by the court in individual cases, a motion to continue the trial setting of a criminal case must state facts demonstrating that the ends of justice served by a continuance outweigh the best interest of the public and the defendant in a speedy trial, (see 18 U.S.C. §3161(h)(8)), or that for some other reason, the continuance will not violate the Speedy Trial Act.

The motion:

- (x) Does not state facts demonstrating that the ends of justice served by a continuance outweigh the best interest of the public and the defendant in a speedy trial.
- (x) Does not state a reason the continuance will not violate the Speedy Trial Act.

Accordingly, the motion (Filing No. 67, part 2) is DENIED.

IT IS SO ORDERED.

DATED May 25, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge